

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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JUN 28 2004

In re application of:

Group Art Unit: 3727

WILLIAM P. APPS

Examiner: S. Castellano

Serial No.: 09/891,948

Filed: June 25, 2001

For: STACKABLE LOW DEPTH TRAY

Attorney Docket No.: RPC 0555 PUS

OFFICIAL

**PETITION TO REVIVE
ERRONEOUSLY ABANDONED APPLICATION**

Mail Stop Petition
Commissioner for Patents
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned hereby petitions to revive the above-identified application for which a Notice of Abandonment was received on June 21, 2004. The Notice of Abandonment mailed June 17, 2004 (copy attached) indicated that the application was abandoned as a result of Applicant's failure to respond to the Office Action mailed October 9, 2003.

It is believed that the Notice of Abandonment was issued in error. Applicant did, in fact, timely respond to the Office Action within the three month period provided. On December 9, 2003, a Notice of Appeal (copy attached) was mailed to the PTO with an appropriate Certificate of Mailing signed by the undersigned. The undersigned received a date-stamped postcard (copy attached) back indicating that the Notice of Appeal was received

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. § 1.8

I hereby certify that this paper, including all enclosures referred to herein, is being facsimile transmitted to the Office of Petitions, U.S. Patent & Trademark Office at (703) 872-9306 on:

June 28, 2004
Date of Deposit

Stephanie M. Mansfield
Name of Person Signing

Stephanie M. Mansfield
Signature

U.S.S.N. 09/891,948

Atty. Docket No. RPC 0555 PUS

by the PTO mailroom on December 12, 2003. Furthermore, Applicant's check for payment of the Notice of Appeal fee was cashed by the PTO on December 18, 2003 (copy attached).

It appears that the Notice of Appeal was never matched to the file, resulting in the issuance of a Notice of Abandonment. It is hereby requested that the application immediately be returned to active pending status and the case promptly forwarded to the Examiner for consideration.

As the error resulting in the Notice of Abandonment was a result of the actions of the Patent Office, no fee is believed to be appropriate or necessary for this Petition. In the event, however, that the Patent Office determines that a fee is necessary, the Patent Office is authorized to charge Deposit Account No. 02-3978 for the Petition fee, without prejudice as seeking a later refund, in order to return the application to active pending status.

If the Patent Office has any questions regarding this communication, please do not hesitate to telephone the undersigned.

Respectfully submitted,

WILLIAM P. APPS

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Date: June 28, 2004

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Attachments